

## Article - Education

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§23–402.

(a) (1) The Mayor and City Council of Baltimore shall be governed by the requirements and regulations pertaining to the Enoch Pratt Free Library of Baltimore City as provided in Chapter 181 of the Acts of 1882 and any other laws applicable to the operation of public libraries.

(2) The powers and duties of the Board of Trustees of the Enoch Pratt Free Library are as provided in Chapter 181 of the Acts of 1882 and the Charter and the Articles of Incorporation of the Enoch Pratt Free Library and other laws applicable to the Board of Trustees of the Enoch Pratt Free Library.

(3) A State grant shall be made available to fund the increased operating expenses for the branches of the Enoch Pratt Free Library that increase their operating hours above the hours in effect as of January 1, 2016.

(4) (i) For fiscal year 2023 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of \$3,000,000 to support the additional operating expenses for the increased hours of operation of all branches of the Enoch Pratt Free Library subject to increased operating hours as provided in paragraph (3) of this subsection.

(ii) 1. To receive any State funds under subparagraph (i) of this paragraph, Baltimore City shall provide a 25% match for each dollar of State funds granted to support the additional operating expenses related to the increased hours of operation of the branches of the Enoch Pratt Free Library that, in that fiscal year, will be subject to increased operating hours as provided in paragraph (3) of this subsection.

2. Baltimore City may use public and private funds to satisfy the requirements of subsubparagraph 1 of this subparagraph.

(iii) 1. In calculating the additional operating expenses of the increased hours of operation, the baseline hours of operation of all branches of the Enoch Pratt Free Library are those hours of operation in effect as of January 1, 2016.

2. The Maryland State Library Agency shall establish a process to distribute the State grant to Baltimore City or the Enoch Pratt Free

Library for the additional operating expenses related to the increased hours of operation.

(5) (i) It is the intent of the General Assembly that the operating hours of the branches of the Enoch Pratt Free Library that are increased in accordance with paragraphs (3) and (4) of this subsection shall be utilized to advance the library's commitment to equity, inclusion, and greater access to library resources, programs, and services.

(ii) On or before September 30, 2023, and each September 30 thereafter, the Mayor and City Council of Baltimore City shall provide a report to the Department of Budget and Management and, in accordance with § 2-1257 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee that includes:

1. A list of the branches of the Enoch Pratt Free Library with increased operating hours for the previous fiscal year that are above the operating hours in effect as of January 1, 2016; and

2. An evaluation of the impact of the increased hours of operation of the branches of the Enoch Pratt Free Library.

(b) (1) The County Commissioners of Washington County shall be governed by the requirements and regulations pertaining to the Washington County Free Library as provided in Chapter 511 of the Acts of 1898 and any other laws applicable to the operation of public libraries.

(2) The powers and duties of the Board of Trustees of the Washington County Free Library are as provided in Chapter 511 of the Acts of 1898 and the Charter, Articles of Incorporation, and other laws applicable to the Board of Trustees of the Washington County Free Library.

(c) (1) Notwithstanding any other provisions of this subtitle, employees of the Prince George's County Memorial Library System have the right to organize and bargain collectively through representatives of their choosing as authorized by the Prince George's County Charter, Section 908, as of July 1, 1986.

(2) Such employees shall be covered under the provisions of the Prince George's County Labor Code, as provided in § 13A-116 of that Code, as of July 1, 1995.

(3) (i) Notwithstanding any other provision of law, a certified bargaining agent or employee organization that represents employees of the Prince George's County Memorial Library System may not call or direct a strike.

(ii) Any certified bargaining agent or employee organization designated as an exclusive representative of the employees of the Prince George's County Memorial Library System that violates any provision of this paragraph shall have its designation as exclusive representative revoked by the Prince George's County Memorial Library System and the certified bargaining agent, employee organization, and any other employee organization that violates any provision of this paragraph is ineligible to be designated as exclusive representative for a period of 2 years after the violation.

(iii) If a certified bargaining agent or an employee organization violates any provision of this paragraph, the Prince George's County Memorial Library System shall stop making payroll deductions for dues of the organization for 1 year after the violation.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Bonus points" means established bonus or percentage points used during the bid evaluation process to adjust the bid price submitted by minority business enterprises for the purpose of ascertaining the lowest bidder.

(iii) "Mandatory set-asides" means a procedure designating a certain percentage of total contract dollars for award to minority business enterprises.

(iv) "Mandatory subcontracting" means a procedure mandating that a certain percentage of the dollar amount of designated contracts be subcontracted to minority business enterprises.

(v) "Minority business enterprise" means any business enterprise:

1. A. That is at least 51 percent owned by 1 or more minority individuals; or

B. In the case of any publicly owned corporation, at least 51 percent of the stock of which is owned by 1 or more minority individuals; and

2. Whose management and daily business operations are controlled by 1 or more minority individuals.

(vi) "Percentage points" means established percentage points given for minority business enterprise participation in a sealed proposal process.

(vii) “Restrictive bidding” means competitive bidding of designated contracts that are restricted to minority business enterprises.

(viii) “Restrictive price quotations” means negotiated small procurements that are restricted to minority business enterprises.

(2) The Board of Trustees of the Prince George’s County Memorial Library System shall undertake and complete an internal and market fact-finding process by January 1, 1990, to assess the appropriate scope of a minority business enterprise program for the Board. The results of the fact-finding process, including statistical data, supporting documentation, and reports, shall be reported to the Prince George’s County Delegation of the General Assembly by January 31, 1990.

(3) If the fact finding required by subsection (b) of this section demonstrates a compelling governmental interest to adopt a remedial minority business enterprise program, the Board of Trustees, by resolution and by implementing rules and regulations, shall establish a minority business enterprise program to facilitate the participation of certified minority business enterprises in contracts awarded by the Board. The program shall include specific goals and the definition of “minority individual”.

(4) In establishing a minority business enterprise program, the Board of Trustees is authorized to use incentives to achieve the designated goals of the program, including but not limited to:

- (i) Mandatory set-aside procedures;
- (ii) Mandatory subcontracting procedures with reasonable waiver provisions;
- (iii) The application of bonus points;
- (iv) The application of percentage points;
- (v) Restrictive bidding;
- (vi) Restrictive price quotations;
- (vii) The reduction or waiver of bonding requirements; and
- (viii) Incentives to encourage maximum participation by:
  - 1. Small businesses;

2. A variety of different businesses; and

3. Businesses located within Prince George's County.

(5) (i) The Board of Trustees may appoint a minority business enterprise officer to administer any minority business enterprise program established, who shall submit reports to the Board of Trustees.

(ii) It is the responsibility of the minority business enterprise officer to conduct outreach programs to assist the minority business enterprise community in participating in any minority business enterprise program established under this subsection.

(6) The Board of Trustees shall advise the Prince George's County Delegation of the General Assembly regarding the substance of any minority business enterprise program that it establishes.

(7) (i) The program shall be evaluated every 2 years.

(ii) The results of any evaluation under this paragraph shall be submitted to the Prince George's County Delegation of the General Assembly.

(e) In Garrett County, the public library system operated by the Board of Trustees shall be known as the Ruth Enlow Library of Garrett County.

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